

PENNSYLVANIA ELECTION CODE - PUBLIC FUNDING OF ELECTIONS, POWERS AND DUTIES OF COUNTY BOARDS, ESTABLISHING THE ELECTION INTEGRITY GRANT PROGRAM AND VIOLATION OF PUBLIC FUNDING OF ELECTIONS

Act of Jul. 11, 2022, P.L. 1577, No. 88 Cl. 25
Session of 2022
No. 2022-88

SB 982

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preliminary provisions, providing for public funding of elections; in county boards of elections, further providing for powers and duties of county boards; establishing the Election Integrity Grant Program; and, in penalties, providing for violation of public funding of elections.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a section to read:

Section 107. Public Funding of Elections.--(a) The cost and expense to State and local governments relating to the registration of voters and the preparation, administration and conduct of elections in this Commonwealth shall be funded only upon lawful appropriation of the Federal, State and local governments, and the source of funding shall be limited to money derived from taxes, fees and other sources of public revenue.

(b) State and local governments, including their public officers, public officials, employees and agents, acting in their official capacity, may not solicit, apply for, enter into a contract for or receive or expend gifts, donations, grants or funding from any individual, business, organization, trust, foundation, or any nongovernmental entity for the registration of voters or the preparation, administration or conducting of an election in this Commonwealth.

(c) This section shall not be construed to apply to the collection of fees authorized by law or to the donation or use of:

- (1) a location for voting purposes;
- (2) services that are provided without remuneration; or
- (3) goods that have a nominal value of less than one hundred (\$100) dollars.

Section 2. Section 302(m) of the act is amended to read:

Section 302. Powers and Duties of County Boards.--The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted

to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

* * *

(m) To prepare and submit, [within twenty days after the last day to register to vote in] **not later than five days prior to** each primary, municipal and general election, a report to the Secretary of the Commonwealth in the form prescribed by him, which shall contain a statement of the total number of electors registered in each election district, together with a breakdown of registration by each political party or other designation. Copies of said statement shall be furnished, upon request, to the county chairman of each political party and political body. The Secretary of the Commonwealth shall forthwith submit such information to the Legislative Data Processing Center and shall publicly report the total number of registered electors for each political party or other designation in each county [not later than five days prior to the primary, municipal or general election] **prior to election day.**

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Section 2.1. The act is amended by adding an article to read:

ARTICLE XVI-A

Election Integrity Grant Program

Section 1601-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The Election Integrity Restricted Account established under section 1732-A.2 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Program." The Election Integrity Grant Program established under section 1602-A.

Section 1602-A. Funding for elections.

(a) Election Integrity Grant Program.--The Election Integrity Grant Program is established within the department to provide grants to counties for the administration of elections.

(b) Appropriation.--Money in the account is appropriated to the department on a continuing basis for the purposes under this article.

(c) (Reserved).

(d) Application.--The following shall apply:

(1) By August 1, 2022, and each August 1 thereafter, the department shall begin accepting applications from counties seeking grant money under this section. The department shall develop a form for a county to certify that the county intends to use grant money for an eligible use under subsection (f).

(2) If a county is seeking grants under this section, the county shall apply to the department no later than August 15, 2022, and each August 15 thereafter.

(e) Distribution.--Each county shall be entitled to an allotment equal to the total amount appropriated to the program under this section multiplied by the quotient of the county's number of registered voters divided by the total number of registered voters in all counties. For the purposes of this subsection, the department shall use the county's total number of registered voters for the most recent primary election as

certified to the Secretary of the Commonwealth under section 302(m).

(f) Eligible uses.--A county shall use grant money awarded under this section for any of the following purposes:

(1) Payment of staff needed to pre-canvass and canvass mail-in ballots and absentee ballots.

(2) Physical security and transparency costs for centralized pre-canvassing and canvassing.

(3) Post-election procedures required under this act.

(4) List maintenance activities under 25 Pa.C.S. §

1901(b)(1) and (3) (relating to removal of electors).

(5) The printing of ballots.

(6) Training costs for district election officials.

(7) Payment of staff at polling places on election day.

(8) Secure preparation, transportation, storage and management of voting apparatuses, tabulation equipment and required polling place materials.

(9) Costs of county board of election duties related to processing of voter registration applications.

(g) Payments.--The department shall make payments to counties that applied for a grant under this section no later than September 1, 2022, and each September 1 thereafter.

(h) Reporting.--No later than 90 days after the date of each general, municipal and primary election, a county that received a grant under this section shall report to the department, the chairperson and minority chairperson of the State Government Committee of the Senate and the chairperson and minority chairperson of the State Government Committee of the House of Representatives, on a form prescribed by the Department of State, how the county used the grant money received under this section.

(i) Clawback.--If a county fails to substantially comply with the requirements of this section, the county shall return the grant money received to the department for deposit into the account. If a county fails to return the grant money, the county shall be ineligible to receive grants through the program for a period of one year.

(j) Grant agreement.--The grant agreement between the department and the county under this section shall include the following requirements for counties:

(1) The county shall begin pre-canvassing at 7 a.m. on election day and shall continue without interruption until each mail-in ballot and absentee ballot received by 7 a.m. on election day is pre-canvassed.

(2) The county shall begin canvassing mail-in ballots and absentee ballots at 8 p.m. on election day and shall continue without interruption until each ballot has been canvassed.

(3) No later than 12:01 a.m. on the day following the election, the county board of elections shall announce and post on its publicly accessible Internet website an unofficial number of absentee ballots and mail-in ballots received for the election.

(4) A county shall certify to the department that the county has completed a program under 25 Pa.C.S. § 1901(b)(1) and mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the prior 12 months.

(5) The outcome of any post-election audit required under this act shall be submitted with the certification to the Secretary of the Commonwealth of the results of the primary or general election under section 302(k) and shall

be posted on the Department of State's publicly accessible Internet website.

Section 1603-A. County report.

(a) Report.--No later than 75 days after the effective date of this section, each county board of elections shall conduct an internal review of practices and certify to the Department of State that the county is in compliance with each of the following:

(1) Approval of voter registration applications under 25 Pa.C.S. § 1328(a) (relating to approval of registration applications).

(2) Cancellation of deceased electors under 25 Pa.C.S. § 1505 (relating to death of registrant).

(3) Voter removal programs under 25 Pa.C.S. § 1901(b) (1) and (3) (relating to removal of electors).

(4) Safe keeping of voted ballots under sections 1308(a) and 1113-A.

(5) Enforcing the voter identification provisions of sections 1302.2(b) and 1302.2-D.

(6) Pre-canvassing and canvassing of absentee ballots and mail-in ballots under section 1308.

(b) Posting.--The certification by each county under subsection (a) shall be posted on the Department of State's publicly accessible Internet website.

Section 3. The act is amended by adding a section to read:

Section 1855. Violation of Public Funding of Elections.--Any person who violates section 107 shall be guilty of a misdemeanor of the second degree and shall, upon conviction thereof, be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

Section 4. This act shall take effect as follows:

(1) The addition of sections 107 and 1855 of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF